



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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April 11, 2018

Mr. Jim Rolle
WCEC Environmental Consultants
1030 South Ave. West
Missoula, MT 59801

Re: No Further Action Request for the following site:

- Name: North Central Petroleum Spill
- Address: State Route 17 Near Milepost 123, Bridgeport, WA
- Facility Site No.: 25378742
- Cleanup Site No.: 2088
- VCP No.: CE0431

Dear Mr. Rolle:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the Northern Central Petroleum Spill site (Site). This letter provides our opinion. We are providing this opinion under the authority of the Model Toxics Control Act (MTCA), Chapter 70.105D RCW.

Issues Presented and Opinions

1. Is further remedial action necessary to clean up contamination at the Site?

YES. Ecology has determined that further remedial action is necessary to clean up contamination at the Site.

Summary of Opinion

Although groundwater contamination has evidently attenuated south of Highway 17, the current status of groundwater contamination north of the highway is unknown. In addition, contaminated soil was removed south of the highway, but only partially removed north of the highway. Therefore, Ecology is unable to issue a No Further Action (NFA) determination at this time. The current status of soil and groundwater contamination north of the highway needs to be assessed.

Soil and groundwater contamination may also remain underneath the highway. Either characterization work under the highway or an Environmental Covenant with the Washington Department of Transport (WA DOT) will be needed.



Description of the Site

This opinion applies only to the Site described below. The Site is defined by the nature and extent of contamination associated with the following releases:

- Gasoline-range organics, BTEX, and MTBE into the Soil and Groundwater.

The Site is located on State Route 17 in rural Douglas County, approximately 12 miles southeast of Bridgeport, WA. The site consists of an unleaded gasoline tanker spill, on both the north and south sides of the highway. Both soil and groundwater were impacted by the spill, with groundwater occurring at a depth of approximately 5 feet below ground surface (ft bgs) north of the highway, and at a depth of approximately 3 ft bgs south of the highway. An intermittent stream is located near the highway on the south side of the highway. The aerial photograph of this area suggests potential for wetland vegetation and/or surface ponding in this area.

Basis for the Opinion

This opinion and analysis was based on the information contained in the following documents:

1. Letter re *North Central petroleum Gasoline Spill, Bridgeport, WA*, prepared by LMH Environmental, Inc., dated March 25, 1995.
2. *Letter re Proposal for Land Application of Remediated Soil, North Central Petroleum, Inc. Gasoline Spill*, prepared by Summit Envirosolutions, dated October 31, 1996.
3. *Groundwater Assessment Report, North Central Petroleum, Inc. Gasoline Spill*, prepared by Summit Envirosolutions, dated October 31, 1996.
4. *December 2014 through September 2015 Groundwater Monitoring Summary Report*, prepared by WCEC Environmental Consultants, dated October 6, 2015.
5. *Memo Summarizing the Extent of Existing Soil Contamination and Fate of Excavated Material*, prepared by WCEC Environmental Consultants, dated October 26, 2015.
6. Email from Ecology (Jennifer Lind) to WCEC (Jim Rolle) dated October 22, 2015 requesting several documents.
7. Email from WCEC (Jim Rolle) to Ecology (Jennifer Lind) dated October 26, 2015 replying to October 22, 2015 email.

Those documents are kept in the Central Regional Office (CRO) of Ecology for review by appointment only. You can make an appointment by calling the CRO public records coordinator at (509) 454-7658. This opinion is void if any of the information contained in those documents is materially false or misleading.

Analysis of the Cleanup

Ecology has concluded that further remedial action is necessary to clean up contamination at the Site. That conclusion is based on the following analysis:

1. Characterization of the Site.

Extent of Soil Contamination

The extent of soil contamination was partially characterized in the 1995 cleanup report prepared by LMH Environmental. This report stated:

However, all four sidewalls of the excavation were visibly stained with gasoline for a distance of 6 to 12 inches above the water table. The lateral extent of contamination cannot be determined without additional investigation.

It should be noted that MTBE, a known site contaminant was not characterized in the 1995 cleanup report.

The October 26, 2015 memo stated:

The analytical results from these excavation soil samples indicated that gasoline constituents remained underneath the high right-of-way and to the north of the highway at concentrations exceeding applicable MTCA Method A cleanup levels.

Ecology cannot issue a No Further Action (NFA) determination while the extent of soil contamination remains unknown.

Extent of Groundwater Contamination

Delineation of groundwater contamination included a groundwater investigation presented in the October 31, 1996 report, and in the October 6, 2015 monitoring report. The October 6, 2015 monitoring report presented results for four monitoring wells located south of the highway. These results demonstrated four consecutive quarters with results below Method A cleanup levels. However, this monitoring did not include the two locations from the 1996 report with the highest groundwater contaminant concentrations (P-13 located north of the highway, and P-10 located south of the highway). Without recent groundwater data from north of the highway, Ecology cannot conclude that the groundwater contamination north of the highway has attenuated as it apparently has south of the highway. This is especially true considering the soil contamination was only partially removed north of the highway.

Ecology cannot issue a No Further Action (NFA) determination while the current status of the groundwater contamination north of the highway unknown.

2. Establishment of cleanup standards.

Substance-specific standards.

The 2015 monitoring report and memo referenced Method A cleanup levels. Method A cleanup levels for Unrestricted Land Uses include:

Hazardous Substance	Method A Soil Cleanup Level (mg/kg)	Method A Groundwater Cleanup Level (µg/L)
Gasoline Range Organics	30 (benzene present)	800 (benzene present)
Benzene	0.03	5
Toluene	7	1,000
Ethylbenzene	6	700
Xylenes	9	1,000
MTBE	0.1	20

A standard point of compliance (throughout the site) has been selected.

The information submitted did not include the Terrestrial Ecological Evaluation (TEE) Table 749-1. The intermittent stream located on the south side of the highway would appear to have potential to be a sensitive ecosystem or habitat. A simplified TEE would result in a gasoline range organics (GRO) cleanup level of 200 mg/kg, whereas a TEE soil biota concentration would be 100 mg/kg. Both of these concentrations are higher than the Method A, benzene present, cleanup level. Therefore the use of Method A is appropriate.

Ecology has determined the cleanup levels and points of compliance you established for the Site meet the substantive requirements of MTCA.

3. Selection of cleanup action.

Ecology has determined the cleanup action selected for the Site, soil excavation and offsite treatment disposal, has potential to meet the substantive requirements of MTCA. However, not all contaminated soil was removed.

4. Cleanup.

Ecology has determined the cleanup performed does not meet the cleanup standards established for the Site. The soil excavation work that was conducted in 1995 has resulted in soil south of the highway meeting Method A cleanup levels, but not all soil contamination north of the highway was removed.

Groundwater contamination has evidently naturally attenuated south of the highway, but the current status north of the highway is unknown.

Limitations of the Opinion

1. Opinion does not settle liability with the state.

Liable persons are strictly liable, jointly and severally, for all remedial action costs and for all natural resource damages resulting from the release or releases of hazardous substances at the Site. This opinion **does not**:

- Resolve or alter a person's liability to the state.
- Protect liable persons from contribution claims by third parties.

To settle liability with the state and obtain protection from contribution claims, a person must enter into a consent decree with Ecology under RCW 70.105D.040(4).

2. Opinion does not constitute a determination of substantial equivalence.

To recover remedial action costs from other liable persons under MTCA, one must demonstrate that the action is the substantial equivalent of an Ecology-conducted or Ecology-supervised action. This opinion does not determine whether the action you performed is substantially equivalent. Courts make that determination. *See* RCW 70.105D.080 and WAC 173-340-545.

3. State is immune from liability.

The state, Ecology, and its officers and employees are immune from all liability, and no cause of action of any nature may arise from any act or omission in providing this opinion. *See* RCW 70.105D.030(1)(i).

Thank you for cleaning up the Site under the Voluntary Cleanup Program (VCP). For more information about the VCP and the cleanup process, please visit our web site: www.ecy.wa.gov/programs/tcp/vcp/vcpmain.htm.

If you have any questions about this opinion, please contact me by phone at (509) 454-7835 or e-mail at frank.winslow@ecy.wa.gov.

Sincerely,



Frank P. Winslow
Site Manager
CRO Toxics Cleanup Program

cc: Don Michelson, North Central Petroleum, Inc.

